

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KELLY TIGERT,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-07-791-M
)	
J. JONES, et al.,)	
)	
Defendants.)	

ORDER

On June 13, 2008, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983, seeking monetary damages and declaratory and injunctive relief for alleged constitutional violations committed by defendants. The Magistrate Judge recommends that the motion to dismiss/motion for summary judgment of Defendants Jones, Morton, Parker and Page be granted, that all of plaintiff's claims for monetary relief against these defendants in their official capacities be dismissed without prejudice based upon Eleventh Amendment immunity, and that all of plaintiff's remaining claims be dismissed without prejudice for his failure to exhaust his administrative remedies. The parties were advised of their right to object to the Report and Recommendation by July 3, 2008. A review of the file reveals no objection has been filed.


Upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on June 13, 2008;
- (2) GRANTS the motion to dismiss/motion for summary judgment of defendants Jones, Morton, Parker and Page [docket no. 21];
- (3) DISMISSES without prejudice plaintiff's claims against defendants Jones, Morton, Parker and Page based upon Eleventh Amendment immunity;

- (4) DISMISSES without prejudice plaintiff's remaining claims for his failure to exhaust his administrative remedies.

This Order effectively terminates this action in this Court.

IT IS SO ORDERED this 21st day of July, 2008.


VICKI MILES-LaGRANGE
UNITED STATES DISTRICT JUDGE